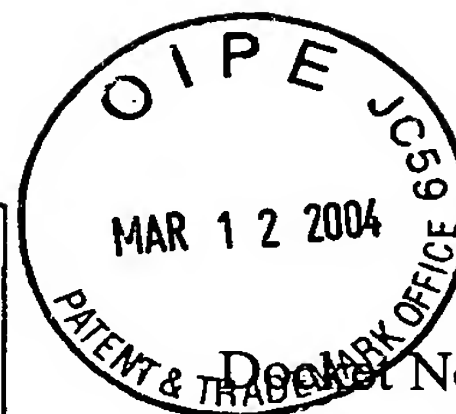


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER509326737US, in an envelope addressed to: MS Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 12, 2004

Signature:

*Staci Harris*  
(Staci Harris)



Document No.: HO-P02428US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Edward Burton et al.

Application No.: 10/089,928

Confirmation No.: 1211

Filed: August 27, 2002

Art Unit: 1636

For: UTROPHIN GENE PROMOTER

Examiner: Konstantina Katcheves

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATION CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

MS Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated February 12, 2004. Applicants are submitting their response herewith within the one-month response period set to expire on March 12, 2004.

The U.S. Patent and Trademark Office has taken the position that the application fails to cite sequence identifiers. Submitted herewith in connection with the above-referenced patent application is a substitute specification which has been amended to include sequence identifiers. Pages showing changes have also been included. No new matter has been added to the substitute specification.

Applicants respectfully request the above-referenced patent application be placed upon the files for examination.

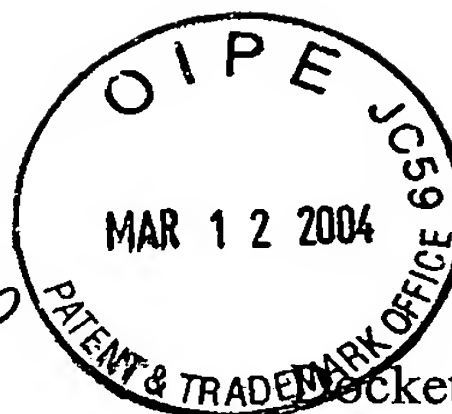
Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02428US0 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER509326737US, in an envelope addressed to: M/S Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313, on the date shown below.

Dated: March 12, 2004

Signature: 

(Staci V. Harris)



03-15-04 1636  
*Image*

Packet No.: HO-P02428US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Edward Burton, et al.

Confirmation No.: 1211

Application No.: 10/089,928

Group Art Unit: 1636

Filed: April 4, 2002

Examiner: Konstantina Katcheves

For: UTROPHIN GENE PROMOTER

M/S Sequence  
Commissioner for Patents  
Alexandria, VA 22313

**TRANSMITTAL LETTER**

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to Notice to Comply with Requirements for Patent Application  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (2 pages)
2. Statement Pursuant to 37 CFR 1.821(f) (2 pages)
3. Second Preliminary Amendment (with Currently Amended Claims) (9 pages)
4. Substitute Specification (49 pages)
5. Pages of Specification showing Changes (7 pages)
6. Return Postcard

Applicants believe that there are no fees due for the filing of this response. If, however, Applicant is in error, then please charge any fees to the standing account of Fulbright & Jaworski L.L.P., Deposit No. 06-2375 under Order No. 10203887.

Dated: March 12, 2004

Respectfully submitted,

By   
Melissa W. Acosta

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Application No.: 10/089,928

Docket No.: HO-P02428US0

Dated: March 12, 2004

Respectfully submitted,

By 

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## Notice to Comply

Application No.

10/089928

Applicant(s)

Burton, et al.

Examiner

KATCHEVES

Art Unit

1636

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The Application contains references to sequences in the specification that fail to recite a sequence identifier, "SEQ ID NO."

#### Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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